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June 15, 2017

(Letter 5)

Sent by FedEx and email

All Defense Counsel
(Distribution list below)

Re: *United States v. Hazelwood, et al.*, Docket No. 3:16-CR-20
Continuation of 1/9/17 – 6/16/17 Rolling Production Period

Government's Designation of Excerpts from Consensual Recordings and
Transcripts Originally Produced on April 8, 2016 (Production Letter 7) for
Potential Use as Case-in-Chief Trial Exhibits

Dear Counsel:

Pursuant to the Court's scheduling order (R. 69), with this letter, the United States continues its rolling production/designation of material to be produced/designated to defendants during the period January 9, 2017, through June 16, 2017 (the "Rolling Production Period").

This letter relates to material that the United States has identified for possible use as case-in-chief trial exhibits and includes intrinsic acts evidence within the meaning of *United States v. Edmond*, 815 F.3d 1032 (6th Cir. 2016).¹ Please note that the government's designation of material, including recording and transcript excerpts, during the Rolling Production Period does not constitute a representation that the government will in fact offer all of the designated material as case-in-chief trial exhibits.

¹ Vacated on other grounds by *Edmond v. United States*, 2017 WL 1366701 (April 17, 2017), and remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *Dean v. United States*, 581 U.S. —, 137 S.Ct. 1170, — L.Ed.2d — (2017).

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For potential use as case-in-chief trial exhibits, the government designates the following excerpts from the transcripts and the corresponding portions of the consensual recordings themselves originally produced to defendants on April 8, 2016 (Production Letter 7):²

| DESIGNATION NO. | PDF FILE NAME/ "USA-TRX" CITATION |
|-----------------|---|
| 1 | 1D-49_Disc 1 of 2.pdf USA-TRX-000216 (lines 970-971) |
| 2 | 1D-50_Disc 1 of 2.pdf USA-TRX-000292-000295 (lines 44-168) |
| 3 | 1D-50_Disc 1 of 2.pdf USA-TRX-000303 (lines 502-544) |
| 4 | 1D-50_Disc 1 of 2.pdf USA-TRX-000309-000312 (lines 743-870) |
| 5 | 1D-50_Disc 1 of 2.pdf USA-TRX-000317-000318 (lines 1065-1116) |
| 6 | 1D-50_Disc 1 of 2.pdf USA-TRX-000320-000321 (lines 1198-1239) |
| 7 | 1D-50_Disc 1 of 2.pdf USA-TRX-000333 (lines 1714-1728) |
| 8 | 1D-50_Disc 1 of 2.pdf USA-TRX-000334-000336 (lines 1753-1824) |
| 9 | 1D-50_Disc 2 of 2.pdf USA-TRX-000446-000448 (lines 3584-3689) |

² Please be advised that all designations by the government during the Rolling Production Period have been made in good faith for the purpose of complying with the Court's scheduling order (R. 69), but have been made without knowing how defendants intend to defend the superseding indictment. Accordingly, the government reserves the right to supplement its designations with additional non-designated material, including recordings and transcripts, produced in discovery in response to defenses raised by defendants.

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| DESIGNATION NO. | PDF FILE NAME/ "USA-TRX" CITATION |
|-----------------|--|
| 10 | 1D-50_Disc 2 of 2.pdf USA-TRX-000484-000485 (lines 5104-5168) |
| 11 | 1D-51_Sessions 1 – 4.pdf USA-TRX-000505-000507 (lines 178-237) |
| 12 | 1D-51_Sessions 1 – 4.pdf USA-TRX-000514-000515 (lines 512-547) |
| 13 | 1D-51_Sessions 1 – 4.pdf USA-TRX-000541-000542 (lines 1521-1571) |
| 14 | 1D-51_Sessions 1 – 4.pdf USA-TRX-000559-000560 (lines 2214-2233) |
| 15 | 1D-54_Session 2.pdf USA-TRX-000591-000595 (lines 74-255) |
| 16 | 1D-54_Sessions 4 5 6.pdf USA-TRX-000718 (lines 1610-1622) |
| 17 | 1D-54_Sessions 4 5 6.pdf USA-TRX-000719-000728 (lines 1647-2030) |
| 18 | 1D-54_Sessions 4 5 6.pdf USA-TRX-000731-000737 (lines 2152-2376) |
| 19 | 1D-54_Sessions 4 5 6.pdf USA-TRX-000772 (lines 3719-3734) |
| 20 | 1D-54_Sessions 4 5 6.pdf USA-TRX-000778-000780 (lines 3941-4010) |

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| DESIGNATION NO. | PDF FILE NAME/ "USA-TRX" CITATION |
|-----------------|---|
| 21 | 1D-54_Sessions 4 5 6.pdf USA-TRX-000781 (lines 4036-4059) |
| 22 | 1D-55_Disc 1 of 2_Sessions 1 – 4.pdf USA-TRX-000810-000814 (lines 596-784) |
| 23 | 1D-55_Disc 1 of 2_Sessions 1 – 4.pdf USA-TRX-000824-000825 (lines 1145-1200) |
| 24 | 1D-58_Disc 2 of 2_Session 6.pdf USA-TRX-000883-000885 (lines 1-90) |
| 25 | 1D-66.pdf USA-TRX-000927 (lines 52-68) |
| 26 | 1D-66.pdf USA-TRX-000927-000928 (lines 70-114) |
| 27 | 1D-66.pdf USA-TRX-000929 - 000932 (lines 117-255) |
| 28 | 1D-66.pdf USA-TRX-000933-934 (lines 294-320) |
| 29 | 1D-69.pdf USA-TRX-000940-000946 (lines 51-268) |
| 30 | 1D-69.pdf USA-TRX-000950-000951 (lines 412-469) |

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| DESIGNATION NO. | PDF FILE NAME/ "USA-TRX" CITATION |
|-----------------|---|
| 31 | 1D-70_Session 4.pdf USA-TRX-000953-000954 (lines 1 -53) |
| 32 | 1D-73_Disc 1 of 2_Session 3.pdf USA-TRX-000957-000959 (lines 1-95) |
| 33 | 1D-83.pdf USA-TRX-0001005-1007 (lines 1-109) |

In compliance with paragraph M of the Court's Order on Discovery and Scheduling (R. 39), the government suggests that in the near future counsel for the government and representative counsel for the defense establish a plan to satisfy the meet-and-confer process directed by the Court with respect to transcripts.

Please let us know if you have any questions.

Sincerely,

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